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January 7, 2013

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VIA ELECTRONIC COMMENT FILING SYSTEM

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Applications of Deutsche Telekom AG, T-Mobile USA, Inc., and MetroPCS Communications, Inc., for Consent to Transfer of Control of Licenses and Authorizations Held by MetroPCS Communications, Inc., and Its Subsidiaries and by T-Mobile USA, Inc., and its Subsidiaries, WT Docket No. 12-301

Dear Ms. Dortch:

On behalf of MetroPCS Communications, Inc., and its subsidiaries ("MetroPCS"), the undersigned hereby submits this objection to the disclosure to The Greenlining Institute ("Greenlining")¹ of confidential and highly confidential information in its January 7, 2013 response ("Response")² to the Commission's December 20, 2012 Information and Discovery Request ("Request").³ The Response contains information from MetroPCS on competitively-sensitive topics that pertain to current or future business plans and operations, confidential subscriber information, non-public customer service plans and merger integration details. The Response also includes extremely sensitive Company granular market-by market data about costs, revenues, and market share.

There is no justification for Greenlining to gain access to the confidential and highly confidential information in the Response. Greenlining is not a participant in this proceeding. Greenlining had a clear opportunity to participate in this proceeding via comments or a Petition to Deny, but has chosen not to do so. Indeed, the only filing that Greenlining has submitted in this

¹ While MetroPCS has not yet received a request for documents from The Greenlining Institute, MetroPCS' co-applicants in this proceeding, Deutsche Telekom and T-Mobile USA, have received such a request. In anticipation of a request, and pursuant to paragraph 5 and 7 of the Protective Order and Second Protective Order respectively, MetroPCS files this objection. See Protective Order, DA 12-1664 ¶ 5; Second Protective Order, DA 12-1665, ¶ 7.

² Letter from Carl W. Northrop, Telecommunications Law Professionals PLLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 12-301 (Jan. 7, 2013) ("Response").

³ Letter from Ruth Milkman, Chief, Wireless Telecommunications Bureau, to Mark Stachiw, MetroPCS Communications, Inc., WT Docket No. 12-301 (Dec. 20, 2012) ("Request").

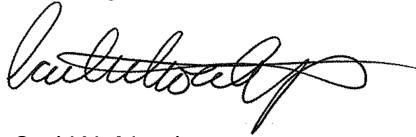
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proceeding is its submission of Acknowledgements of Confidentiality for three members of its organization.⁴

Greenlining may not access the MetroPCS Response in order to raise new (or any) concerns within the proceeding because the pleading cycle is already closed. The Public Notice that established the pleading cycle for this proceeding makes clear that "petitioners and commenters should raise all issues in their initial filings [and] [n]ew issues may not be raised in responses or replies."⁵ The governing protective orders in this proceeding also establish that access to confidential and highly confidential materials is only granted for the limited purpose of participation in this proceeding.⁶ And, the Second Protective Order specifically provides that a party submitting additional highly confidential documents in a proceeding may file a contemporaneous objection to it being made available an adverse party which has signed the protective orders.⁷ Since Greenlining has not participated in this proceeding in any respect, Greenlining has no bona fide basis for reviewing the confidential and highly confidential information in this proceeding. As a consequence, the Commission should not allow Greenlining access to the confidential and highly confidential information in the Response.

Please feel free to contact the undersigned should you have any questions.

Sincerely,



Carl W. Northrop
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

cc (via e-mail): David Hu
Kathy Harris
Kate Matraves
Jim Bird
Paul Goodman, Legal Counsel for The Greenlining Institute

⁴ See The Greenlining Institute, Acknowledgements of Confidentiality, WT Docket No. 12-301 (filed Nov. 15, 2012).

⁵ Deutsche Telekom AG, T-Mobile USA, Inc. and MetroPCS Communications, Inc. Seek FCC Consent to the Transfer of Control of PCS Licenses and AWS-1 Licenses and Leases, One 700 MHz License, and International 214 Authorizations Held by MetroPCS Communications, Inc. and by T-Mobile USA, Inc. To Deutsche Telekom AG, WT Docket No. 12-301, Public Notice, DA 12-1730, 5 (rel. Oct. 26, 2012) ("Public Notice"). Nor has Greenlining shown good cause to be permitted to raise additional issues after the pleading cycle has closed. "A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously." Public Notice, 5.

⁶ Applications of Deutsche Telekom AG, T Mobile USA, Inc. and MetroPCS Communications, Inc., WT Docket No 12-301, Protective Order (DA 12-1664) and Second Protective Order (DA-1665), released October 17, 2012.

⁷ Second Protective Order at ¶ 7. This Order provides that the submitting party may withhold production of the material until the objection is resolved by the Commission which is what MetroPCS is doing in this instance. See also Protective Order, ¶ 5.